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COMMISSION OF THE EUROPEAN COMMUNITIES

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REPORT FROM THE COMMISSION TO THE COUNCIL

**on the use made in 2007 by the institutions of Council Regulations
300/76, last amended by Regulation 1873/2006 (on shift work),
495/77, last amended by Regulation 1945/2006 (on standby duty),
858/2004 (on particularly arduous working conditions)**

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1. INTRODUCTION

The Council Regulations on standby duty (495/77) and particularly arduous working conditions (858/2004) require the Commission to report regularly to the Council on the number of officials and other servants in each category receiving the allowances referred to in the relevant Regulation and the total related expenditure.

This report is based on the latest full year figures available at the time of its preparation and thus refers to 2007, which was the first full year under the modified Regulations, as approved by the Council in December 2006. It covers all the Institutions, and for the sake of completeness also contains the same type of information on the use of shift work (Council Regulation 300/76).

2. SHIFT WORK ALLOWANCE

The legal bases for this allowance are Article 56a of the Staff Regulations, and Council Regulation 300/76 of 9 February 1976, as last amended by Council Regulation 1873/2006 of 11 December 2006.

Payment of the allowance is limited to officials and other servants

paid from *research appropriations* and employed in:

- an establishment of the Joint Research Centre (JRC), or
- in indirect action, or

paid from *operating appropriations* and employed in:

- an information and communication technology (ICT) services department,
- a safety and security department,
- a telephone switchboard/information service or at a reception desk,
- a department providing support for the Common Foreign and Security Policy (CFSP)/European Security and Defence Policy (ESDP) or for emergency and crisis coordination arrangements, or
- employed to run or supervise technical installations.

Four different rates of the monthly allowance are provided for (2007 figures):

- rate 1: work with two shifts, excluding weekends: €357
- rate 2: work with two shifts, including nights and weekends: €40
- rate 3: 24 hrs. per day, excluding weekends: €90
- rate 4: 24 hrs. per day, 7 days a week: €805

The following figures indicate the number of allowances granted by each institution.

2.1. Number of beneficiaries by rate:

Institution	Rate 1 €357,-	Rate 2 €540,-	Rate 3 €90,-	Rate 4 €805,-	Total
Commission	19	40	8	63	130
- of which: JRC	0	40	8	34	82
Council	58	0	0	45	103
Parliament	0	0	0	0	0
Court of Justice (CoJ)	0	0	0	0	0
Court of Auditors (CoA)	0	0	0	0	0
European Economic and Social Committee (EESC)	0	0	0	0	0
Committee of Regions (CoR)	0	0	0	0	0
European Data Protection Supervisor (EDPS)	0	0	0	0	0
Mediator	0	0	0	0	0
Total	77	40	8	108	233

2.2. Number of beneficiaries by grade:

Institution	AD	AST	Contract Agent	Total
Commission	11	104	15	130
- of which: JRC	11	62	9	82
Council	0	103	0	103
Parliament	0	0	0	0
CoJ	0	0	0	0
CoA	0	0	0	0
EESC	0	0	0	0
CoR	0	0	0	0
EDPS	0	0	0	0
Mediator	0	0	0	0
Total	11	207	15	233

2.3. Number of beneficiaries by purpose:

Institution	JRC	Indirect actions	ICT	Safety/ Security	Switchboard/ Reception	CFSP/ ESDP	Technical installations
Commission	82	0	5	21	7	0	15
- of which: JRC	82	0	0	0	0	0	0
Council	0	0	0	78	0	25	0
Parliament	0	0	0	0	0	0	0
CoJ	0	0	0	0	0	0	0
CoA	0	0	0	0	0	0	0
EESC	0	0	0	0	0	0	0
CoR	0	0	0	0	0	0	0
EDPS	0	0	0	0	0	0	0
Mediator	0	0	0	0	0	0	0
Total	82	0	5	99	7	25	15

3. STANDBY DUTY ALLOWANCE

The legal bases for this allowance are Articles 55 and 56b of the Staff Regulations and Council Regulation 495/77 of 8 March 1977, as last amended by Council Regulation 1945/2006 of 11 December 2006.

Payment of the allowance is limited to officials and other servants

paid from *research appropriations* and

- employed in an establishment of the Joint Research Centre (JRC) or
- in indirect action, or

paid from *appropriations in the operating budget* and

- employed to run or supervise technical installations,

or employed to work

- in a safety and security department,
- in an information and communication technology (ICT) services department,
- in a department providing support for the Common Foreign and Security Policy (CFSP)/European Security and Defence Policy (ESDP) or for emergency and crisis coordination arrangements, or
- for the purposes of a mechanism established to provide assistance to Member States 24 hours a day, seven days a week (MS 24/7)

The standby duty allowance is expressed in points. The number of points granted for each hour of actual standby duty is fixed as follows:

- standby duty at home, working day: 2.15 pts
- standby duty at home, weekend: 4.3 pts
- standby duty at the place of work, working day: 11 pts
- standby duty at the place of work, weekend: 22 pts

Each point is equal to 0,032% of the basic salary of an official in grade 1, step 1 (= €0,78 in 2007).

3.1. Number of beneficiaries by type of standby duty:

Institution	at home	at home & at work	at work	Total
Commission	247	75	31	353
<i>- of which: JRC</i>	<i>201</i>	<i>14</i>	<i>31</i>	<i>246</i>
Council	50	0	0	50
Parliament	0	0	0	0
CoJ	0	0	0	0
CoA	0	0	0	0
EESC	0	0	0	0
CoR	0	0	0	0
EDPS	0	0	0	0
Mediator	0	0	0	0
Total	297	75	31	403

3.2. Number of beneficiaries by grade:

Institution	AD	AST	Contract Agent	Total
Commission	103	214	36	353
- of which: JRC	78	139	29	246
Council	9	41	0	50
Parliament	0	0	0	0
CoJ	0	0	0	0
CoA	0	0	0	0
EESC	0	0	0	0
CoR	0	0	0	0
EDPS	0	0	0	0
Mediator	0	0	0	0
Total	112	255	36	403

3.3. Number of beneficiaries by purpose:

Institution	JRC	Indirect actions	Technical installation	Safety & Security	ICT	CFSP/ESDP	MS 24/7
Commission	246	0	23	30	32	5	17
- of which: JRC	246	0	0	0	0	0	0
Council	0	0	18	16	0	16	0
Parliament	0	0	0	0	0	0	0
CoJ	0	0	0	0	0	0	0
CoA	0	0	0	0	0	0	0
EESC	0	0	0	0	0	0	0
CoR	0	0	0	0	0	0	0
EDPS	0	0	0	0	0	0	0
Mediator	0	0	0	0	0	0	0
Total	246	0	41	46	32	21	17

4. ALLOWANCE FOR PARTICULARLY ARDUOUS WORKING CONDITIONS

The legal bases for this allowance are Article 56c of the Staff Regulations and Council Regulation 858/2004 of 29 April 2004, which replaced Council Regulation 1799/72.

The particularly arduous working conditions allowance is expressed in terms of points granted for each hour of actual work, with a distinction being made between special working conditions resulting from ‘Safety of the individual’, ‘Place of work’ and ‘Nature of work’. The number of points varies between 2, e.g. for an average sound level exceeding 85 decibels, and an upper limit of 50 in the case of an official wearing a self-contained fire protection suit. Each point is equal to 0,032% of the basic salary of an official in grade 1, step 1 (= €0,78 in 2007).

Institution	AD	AST	Contract Agent	Total
Commission	35	191	31	257
- of which: JRC	35	191	31	257
Council	0	0	0	0
Parliament	0	0	0	0
CoJ	0	0	0	0
CoA	0	0	0	0
EESC	0	0	0	0
CoR	0	0	0	0
EDPS	0	0	0	0
Mediator	0	0	0	0
Total	35	191	31	257

5. SERVICES CONCERNED AND MOTIVATION

The above figures show that in 2007 only the Council and the Commission were utilising these allowances. The European Parliament, the Court of Justice, the Court of Auditors, the Committee of the Regions, the European Economic and Social Committee, the European Data Protection Supervisor and the European Mediator did not make any use of them. The arduous working conditions allowance was applied solely by the Commission, within the JRC.

5.1. Motivation for shift work

Commission: Within the Commission, it is the JRC which has, for mainly technical reasons, the greatest need for this type of work organisation (82 out of a total of 130 for the Commission).

In the other DGs (operational budget), shift work is being done by some 48 persons and in the following types of services:

- Security and prevention: 21
- Technical installations: 15
- Information and communication technology (ICT): 5
- Telephone/reception: 7

All four rates (types of allowance) are applied in the Commission, predominantly rates 2 and 4, with the latter (continuous work) being used mainly in the security services.

Council: The number of shift work allowances in the Council stands at 103. This allowance is used exclusively in the areas of security and prevention and CFSP/ESDP. The types of shift work are either a two shift arrangement (rate 1) or a continuous 24 hour a day service (rate 4).

5.2. Motivation for standby duty

Commission: In 2007, the Commission paid standby allowance to some 353 members of staff, more than two thirds (246) of them being employed in one of the research centres.

Of the total of 246 persons committed to standby duty in the JRC, 107 were posted in Ispra, 41 in Karlsruhe, 70 in Geel and 28 in Petten. The reasons for standby duty are in general security and safety-related, from firemen through radiological protection to radiation monitoring, plus some technical services. In most cases at the JRC, standby duty is carried out at home, with the exception of Ispra and Karlsruhe, where duty is undertaken at the workplace or at home and at the workplace.

In the other Commission Directorates-General, a standby service was maintained, in particular, in the central informatics service (DIGIT), where 32 persons carried out this type of duty. Certain other technical departments (Offices for Infrastructure in Brussels and Luxemburg, Publications Office) and OLAF also had to maintain standby services, as well as a limited number of security personnel. Furthermore, two officials of ECHO and three of DG RELEX ensured a continuous availability for members of missions abroad in case of crises or security problems. Finally, four officials of the Justice, Freedom and Security DG assured the continuous operation of the EURODAC central processing unit.

Council: The number of persons receiving standby duty allowance in the Council stood at 50 in 2007. They were limited to the running and supervision of technical installations, to security services and to support for CFSP/ESDP. Standby duty was performed exclusively at home.

5.3. Motivation for particularly arduous working conditions allowance

Commission: The Commission is the only institution to use this provision and, within the Commission, its use in 2007 was still limited to the Joint Research Centre.

With respect to the criteria for arduous working conditions, all three categories listed in the Regulation and for which the allowance can be granted were applicable, i.e. concerning

- a) the safety of the individual (e.g. the wearing of particularly uncomfortable protective clothing),
- b) the place of work (e.g. high noise levels, dangerous sites), and
- c) the nature of work (e.g. handling of corrosive substances).

The total number of hours worked under these various conditions amounted to 221 957 hours in 2007, broken down as follows:

- 69 457 hours relating to individual protection,
- 138 400 hours relating to the place of work, and
- 14 100 hours relating to the nature of the work.

6. BUDGETARY EXPENDITURE 2007, BY INSTITUTION AND BY ALLOWANCE (IN €)

Institution	Shift work	Standby duty	Arduous working conditions	Total
Commission	754,691.44	1,552,594.52	627,727.51	2,935,013.47
<i>- of which: JRC</i>	<i>335,053.72</i>	<i>700,973.78</i>	<i>627,727.51</i>	<i>1,663,755.01</i>
Council	645,660.22	76,763.52	0	722,423.74
Parliament	0	0	0	0
CoJ	0	0	0	0
CoA	0	0	0	0
EESC	0	0	0	0
CoR	0	0	0	0
EDPS	0	0	0	0
Mediator	0	0	0	0
Total	1,400,351.66	1,629,358.04	627,727.51	3,657,437.21

Total expenditure, that is the amount spent for all three allowances and in all Community institutions together, was some €3.7 million in 2007.